



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/726,466

12/02/2003

Daniel G. Farmer

042082-0319456

5863

27498

7590

06/22/2007

PILLSBURY WINTHROP SHAW PITTMAN LLP

P.O. BOX 10500

MCLEAN, VA 22102

EXAMINER

ARANI, TAGHI T

ART UNIT

PAPER NUMBER

2139

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,466

Applicant(s)

FARMER, DANIEL G.

Examiner

Taghi T. Arani

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 have been examined and are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 13-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions. The language in the claim raises an issue because the claims are directed merely to an abstract idea (i.e. a language stack and/or a program code) that is not tied to an article of manufacture which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. It appears that the claimed "A language stack" would reasonably be interpreted by one of ordinary skill in the art as software, per se. The claimed "A language stack" does not result in a tangible result. and are rejected as being directed to an abstract idea (i.e., producing non-tangible result).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,070,244 to Orchier et al. (hereinafter "Orchier").

As per claims 1, 28 and 19, Orchier teaches a system and a method for providing an enterprise-based security policy, the system comprising (Figs. 2, 3a and associated text):

a central agent configured to retrieve a policy skin from a database and to transmit the policy skin to a host (Orchier, col. 7, lines 33-36, where teaches that compliance, alert and query agents access the standardized information in database 76 and that (col. 8, lines 46-64) a maintenance agent abstraction facility commands the appropriate maintenance agent 92-a-92n to carry out the specific requests and/or commands);

a data gathering engine configured to collect host data related to the host (col. 4, lines 64-66, where the collection agents 72-a-72n use system utilities and/or APIs to extract from individual security domains specific data defining security information pertaining to system users); and

a policy engine configured to execute the policy skin against the host data to determine security policy compliance (Orchier, col. 8, lines 65 through col. 9, line 25, Fig. 4i and associated text, where maintenance agent 92a-92n comprising platform specific software invokes the security processing of the native platforms to accomplish the work)).

As per claim 2, Orchier teaches the system of claim 1, further comprising a host agent configured to transmit the host data and compliance information to the central agent (col. 4, lines 63 through col. 5, line 6, where the collection agent abstraction facility 74 rationalizes the data collected by the collection agents 72-72n into standardized sets of data).

As per claim 3, Orchier teaches the system of claim 2, further comprising a scheduler configured to schedule when the data gathering engine collects the host data, when the policy engine executes the security policy and when the host agent transmits the host data and the compliance information to the central agent (col. 11, lines 1-13, where scheduling the starting of the program at a designated time of the day is disclosed.).

As per claim 4, Orchier teaches the system of claim 2, wherein the central agent is further configured to transmit the host data and the compliance information to the database for storage (col. 5, lines 30-32, where the collection agent abstraction facility stores the information organized in the database 76).

As per claim 5, Orchier teaches the system of claim 4, further comprising a report engine coupled to the database, the report engine configured to access the host data and the compliance information from the database and to generate a report based on the host data and the compliance information (col. 4, lines 23-31).

As per claim 6, Orchier teaches the system of claim 1, wherein a central server includes the central agent, and the host includes the data gathering engine and the policy engine (col. 4, line 63 through col. 5, line 6, where the data collected by collection agents is passed to collection agent abstraction layer or facility 74, see also fig. 2 and associated text).

As per claim 7, Orchier teaches the system of claim 1, wherein the policy skin when retrieved from the database includes one or more policy strings, and the policy skin when executed includes the one or more policy strings translated into a general purpose language (col.

5, lines 7-22, where the collection agent abstraction facility 74 rationalizes the data collected by the collection agents into standardized sets of data).

As per claim 8, Orchier teaches the system of claim 1, wherein the policy skin when executed is configured to be compatible with an operating system running on the host (col. 4, lines 48-62).

As per claim 9, Orchier teaches the system of claim 1, further comprising a remote access engine coupled to the database, the remote access engine configured to enable a third party to design, implement, monitor or maintain the policy skin (col. 13, lines 42-55).

As per claim 10, Orchier teaches the system of claim 1, further comprising a policy editor coupled to the database, the policy editor configured to enable a user to create the policy skin using policy strings (col. 14, lines 1-13, where manual maintenance agent software is disclosed.).

As per claim 11, Orchier teaches the system of claim 1, wherein the host is a member of a group (Fig 3a, where security domains 70a-70n is disclosed).

As per claim 12, Orchier teaches the system of claim 1, wherein the central agent is configured to retrieve a high security level policy skin from the database and to transmit the high security level policy skin to the host in the event of a crisis or emergency (col. 13, lines 14-23).

As per claim 13, Orchier teaches a language stack for providing an enterprise-based security policy, the language stack comprising: a policy strings layer configured to include policy strings; a policy definition language layer configured to include a policy definition language; a

first translator configured to parse policy strings into the policy definition language; a general purpose language layer configured to include a general purpose language; and a second translator configured to parse the policy definition language into the general purpose language (col. 2, lines 16-35, see also col. 12, lines 34-50, Fig. 6a and associated text, see also col. 11, lines 1-24).

As per claim 14, Orchier teaches the language stack of claim 13, wherein the general-purpose language comprises Python language (col. 9, lines 9-25, see also col. 11, lines 14-24).

As per claim 15, Orchier teaches the language stack of claim 13, further comprising a system definition layer configured to include run-time libraries and support services (col. 4, lines 63-67, wherein collection agents use system utilities and/or APIs).

As per claim 16, Orchier teaches the language stack of claim 15, wherein an executable version of a policy skin includes one or more policy strings that have been translated into the general-purpose language (col. 14, lines 28-62).

As per claim 17, Orchier teaches the language stack of claim 16, wherein the executable version of the policy skin is configured to call one or more run-time libraries or one or more support services from the system definition language when executed (col. 4, lines 63-67, wherein collection agents use system utilities and/or APIs).

As per claim 18, Orchier teaches the language stack of claim 16, wherein the executable version of the policy skin is configured to be compatible with an operating system running on a host. (col. 8, lines 24-46, wherein the maintenance agent abstraction facility 90 converts the hardware and software instructions into general hardware and software instructions that pertains to the individual platforms, see also, col. 4, lines 23-27).

As per claim 21, Orchier teaches the method of claim 19, wherein the policy skin when executed includes one or more policy strings that have been translated into a general purpose language (col. 14, lines 28-62).

As per claim 22, Orchier teaches the method of claim 21, wherein the policy skin when executed is configured to be compatible with an operating system running on the host (col. 8, lines 24-46, wherein the maintenance agent abstraction facility 90 converts the hardware and software instructions into general hardware and software instructions that pertains to the individual platforms, see also, col. 4, lines 23-27).

As per claim 23, Orchier teaches the method of claim 19, further comprising the step of creating the policy skin, the policy skin including one or more policy strings (col. 14, lines 28-42, wherein examples of platform independent security maintenance categories and data are disclosed).

As per claim 24, Orchier teaches the method of claim 23, wherein a policy editor or a remote access engine is used to create the policy skin (col. 14, lines 1-13, where manual maintenance agent software is disclosed.).

As per claim 25, Orchier teaches the method of claim 19, further comprising the steps of receiving the host data and compliance information and storing the host data and compliance information in a database (Orchier, col. 5, lines 30-32, where the collection agent abstraction facility stores the information organized in the database 76).

As per claim 26, Orchier teaches the method of claim 25, wherein the database resides in the central server (col. 12, lines 34-43, see also fig. 6a and associated text).

As per claim 27, Orchier teaches the method of claim 25, further comprising the steps of accessing the host data and compliance information from the database and generating a report based on the host data and compliance information (col. 4, lines 23-31, i.e. a report generator).

As per claim 29, Orchier teaches the system of claim 28, further comprising means for creating the policy skin, the policy skin including one or more policy strings (col. 14, lines 28-42, wherein examples of platform independent security maintenance categories and data are disclosed).

As per claim 30, Orchier teaches the system of claim 28, further comprising means for receiving the host data and compliance information and means for storing the host data and compliance information in a database (Orchier, col. 5, lines 30-32, where the collection agent abstraction facility stores the information organized in the database 76).

As per claim 31, Orchier teaches the system of claim 30, further comprising means for accessing the host data and compliance information from the database and means for generating a report based on the host data and compliance information.(col. 4, lines 23-31)

Conclusion

4. Prior arts made of record, not relied upon:


See enclosed PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

Art Unit: 2139

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAGHI ARANI
PRIMARY EXAMINER
6/19/04